



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	45
VAC Chapter Number:	10
Regulation Title:	Public Participation Guidelines
Action Title:	Amending
Date:	May 14, 2002

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

The Board for Branch Pilots Public Participation Guidelines (PPGs) mandate public participation in the promulgation process of regulations. The agency will maintain a mailing list to notify persons and organizations of intended regulatory action. The agency will mail such documents as “Notice of Intended Regulatory Actions,” “Notice of Comment Period” and a notice that final regulations have been adopted. The PPGs outline the necessary procedures for being placed on or deleted from the mailing list. The Notice of Intended Regulatory Action will provide for a comment period of at least 30 days and will state whether or not a public hearing will be held. The PPGs give specific instances on when the agency must hold a comment period and when the agency must reevaluate the regulations. The PPGs establish the procedures to be taken when substantial changes have been made prior to final adoption of the regulations. The use of and input from advisory committees to formulate regulations are established in the PPGs. The PPGs specify what meetings and notices will be published in The Virginia Register.

18 VAC 45-10-10, 18 VAC 45-10-20 and 18 VAC 45-10-30 are being modified to allow the Board to accept requests to be placed on a notification list, and to notify PPG list members, via electronic means. Currently, only written requests and mailed notifications are permitted. 18 VAC 45-10-50 and 18 VAC 45-10-90 are being modified to update references to the APA due to recodification of this portion of the *Code of Virginia*.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The Board for Branch Pilots adopted final regulations entitled “Public Participation Guidelines” at their meeting on Thursday, May 2, 2002.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

The statutory authority for the Board for Branch Pilots to promulgate the Public Participation Guidelines is found in Sections 2.2-4007 and 54.1-902 of the Code of Virginia. The Board is empowered to promulgate regulations for individuals in Virginia that practice as branch pilots.

The Public Participation Guidelines implement the requirements of the Administrative Process Act by establishing procedures to be followed by the Board in soliciting, receiving and considering public comments.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The changes will allow the Board to accept requests to be placed on a notification list, and to notify PPG list members, via electronic means which would be a more cost effective and efficient way of interacting with list members and consistent with the effort to make government more accessible. Currently, only written requests and mailed notifications are permitted. The Public Participation Guidelines are statutorily mandated and ensure the protection of the public’s health, safety and welfare by documenting and formalizing the process through which the public has access to the regulatory review process. 18 VAC 45-10-50 and 18 VAC 45-10-90 are being modified to update references to the APA due to recodification of this portion of the *Code of Virginia*.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action’s detail.

The purpose of the proposal is to make the following changes:

18 VAC 45-10-10, 18 VAC 45-10-20 and 18 VAC 45-10-30 would be modified to allow the Board to accept requests to be placed on a notification list, and to notify PPG list members, via electronic means. Currently, only written requests and mailed notifications are permitted. 18 VAC 45-10-50 and 18 VAC 45-10-90 are being modified to update references to the APA due to recodification of this portion of the *Code of Virginia*.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term “issues” means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The primary advantage to the public is that the Board would be able to accept requests to be placed on a notification list, and to notify PPG list members, via electronic means which would be a more cost effective and efficient way of interacting with list members. There are no expected disadvantages.

Statement of Changes Made Since the Proposed Stage

Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.

The following change has been made to text of the proposed regulation since its publication:

1. 18 VAC 45-10-30 – change in the wording at the recommendation of the Department of Planning and Budget regarding returned e-mails.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

No public comment was received.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

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Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The contemplated changes are expected to have no impact on families.